IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29072 of 2007(J)

PETITIONER:

SHIJU G.NAIR,
KODIYATTU HOUSE, SEETHATHODU P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF FOREST, THIRUVANANTHAPURAM.

2. THE DIVISIONAL FOREST OFFICER, RANNY.

BY GOVERNMENT PLEADER (FOREST) SRI.RENJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 29072 OF 2007 J
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Dated this the 16th day of October, 2007

J U D G M E N T

Petitioner's Mini Lorry has been taken into custody by the respondents on 15/8/07 on the allegation that it was involved in transportation of timber from the forest. The seizure has been in connection with OR No.4/07 of Gurunathanmanu Forest Station. Since the vehicle is under their custody, petitioner seeks for its release. Petitioner submitted Ext.P2 representation to the 2nd respondent, on which orders have not been passed till date. It is under these circumstances this writ petition has been filed.

2. Learned counsel for the respondents on the other hand would submit that the vehicle was involved in a forest offence and that the confiscation proceedings as contemplated under the Forest Act are in process.

3. Though the proceedings for its confiscation are pending with the 2nd respondent, the question now is whether there is any necessity for the continued detention of the vehicle

pending adjudication.

4. Having regard the facts of the case, I think the vehicle in question can be ordered to be released to the petitioner protecting the interest of the respondents as well.

Accordingly, I dispose of this writ petition directing that the 2nd respondent shall get the value of the vehicle assessed within 10 days of receipt of a copy of this judgment and thereafter release the vehicle to the petitioner on the petitioner furnishing a Bank guarantee for the value of the vehicle and furnishing a bond for producing the same as and when he is called upon.

ANTONY DOMINIC, JUDGE.

Rp